

connection with her work for Ickes.

Ickes recalls that he assigned the Hudson matter to Jennifer O'Connor sometime after he heard from Fowler. Ickes stated that he asked her to find out what the issue was about, and to check the status of it. He recalls giving her no direction about any follow-up, and states that, given their working relationship, she would have "broad latitude" to decide for herself what more should be done, including providing information or feedback to Fowler or Patrick O'Connor.³¹⁷ Ickes never learned from Jennifer O'Connor, however, what she did on the Hudson matter – though he testified that he got the "impression" she spoke with Fowler about the matter.³¹⁸

In fact, Jennifer O'Connor does recall being contacted directly by Fowler about the Hudson matter, although she cannot recall the timing of Fowler's telephone call. According to O'Connor, Fowler's inquiry – which she said was an unusual one for Fowler – was whether she knew anything about the Hudson decision because he had a group of people to whom he wanted to be responsive. She did not know if he was meeting with them at the time of the call, but sensed that Fowler wished to report immediately to these interested persons. O'Connor cannot recall whether Fowler contacted her before or after Ickes tasked her with handling the Hudson issue.

³¹⁷Ickes G.J. Test. at 171.

³¹⁸*Id.* at 173-74.